

Juan-San Miguel Resource Management Plan governing the management of public land within portions of the BLM's Uncompahgre Basin Resource Area in southwest Colorado. Notice is also given of a series of public meetings which will be held to discuss issues to be addressed in a Multi-Objective Plan for the San Miguel River Basin. Proposed planning criteria and anticipated planning issues are also included herein.

ADDRESSES: For further information contact Karen Tucker, Bureau of Land Management, Uncompahgre Basin Resource Area, 2505 South Townsend Ave., Montrose, CO 81401; Telephone (970) 249-6047; Fax. (970) 249-8484.

To have your name added to the Multi-Objective Plan mailing list, please contact Linda Luther at the Telluride Institute, P. O. Box 1770, Telluride, Colorado 81435; Telephone (970) 728-4402; Fax (970) 728-4638.

SUPPLEMENTARY INFORMATION: The Multi-Objective Planning process is a basin-wide, ecosystem-based effort which has been undertaken by the San Miguel River Coalition, an organization of over 50 partners representing local, county, state, federal government and land managing agencies; commodity, interest, and environmental groups; commercial and private recreation users; and a diverse group of interested and affected individuals. The goal of this public planning effort is to develop an ecosystem-based plan which provides direction for the cooperative management, protection, and responsible use of the outstanding scenic, riparian, geologic, wildlife, historic, recreation, and other natural resources of the San Miguel River Basin.

The planning area includes the entire San Miguel River watershed from its headwaters above the Town of Telluride to its confluence with the Dolores River near Uravan, Colorado. The watershed encompasses approximately 997,000 acres, including Forest Service, Bureau of Land Management, State of Colorado, and private lands within Montrose and San Miguel Counties and the Towns of Telluride, Placerville, Sawpit, Norwood, Naturita, Nucla, and Uravan.

Included within the planning area is the BLM San Miguel River Area of Critical Environmental Concern (ACEC) and Special Recreation Management Area (SRMA) which consists of approximately 33,000 acres of public land along 38 miles of the San Miguel River corridor from Deep Creek to Piñon. BLM's management goals for these areas are to protect the ACEC's unique, high quality riparian vegetative communities, as well as the area's

significant geologic, cultural, wildlife, and scenic resources while providing a wide range of outdoor recreational opportunities.

Public meetings of the Multi-Objective Planning coalition will be held every two months for an approximate eighteen month period beginning with an August 7 meeting in Norwood, Colorado. The all-day meeting at the Norwood Schools All Purpose Room will be a workshop forum from 9:00 a.m. to 4:30 p.m., followed by a community open house from 5:30 to 8:00 p.m. Meeting locations will be rotated between the towns of Telluride, Naturita, Nucla, Norwood and Montrose in order to ensure local community participation and input. Written comments will also be accepted throughout the planning process at the addresses shown above.

Documents pertinent to this proposal may be examined at the BLM office in Montrose, Colorado. Some of the issues that have been identified in the initial phases of the Multi-Objective Plan process include: Water rights, water quantity and quality, growth and development, lifestyles and community preservation, and commodity and resource issues. Additional environmental issues include landscape health, riparian and aquatic habitat protection, wildlife habitat quality and fragmentation, declining biodiversity, reintroduction of native species, and noxious weed control. Other factors to be considered include recreation and resource use vs. riparian and scenic values, the level and intensity of recreation management, including possible allocation of commercial river and upland use, grazing of livestock, management of the mineral estate, transportation and utility corridors, off highway vehicle designations, and forest product disposal.

The following disciplines will be represented on the BLM planning team: recreation, wildlife, fisheries, and range management, forestry, geology, realty, soils, and hydrology. Planning criteria include: policy, legal, and regulatory constraints, as well as, requirements to maintain riparian vegetation quality, maintain scenic values, maintain recreational values and meet recreation demands, determine the level of management intensity required, determine the need for land or easement acquisition, and set management objectives to protect the priority resources within the proposed ACEC.

Dated: July 17, 1995.

Mark W. Stiles,
District Manager.

[FR Doc. 95-18028 Filed 7-20-95; 8:45 am]

BILLING CODE 4310-JB-P

Fish and Wildlife Service

Availability of the Record of Decision (ROD) Document on the Issuance of an Incidental Take Permit To Allow Incidental Take of the Threatened Desert Tortoise by Clark County, Nevada

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that a decision has been made to issue an incidental take permit to allow incidental take of the threatened desert tortoise (*Gopherus agassizii*) in Clark County, Nevada and that the Record of Decision is available.

FOR FURTHER INFORMATION CONTACT: Dolores Savignano, U.S. Fish and Wildlife Service, 1500 North Decatur Boulevard, #01, Las Vegas, Nevada 89108 or Carlos Mendoza, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C, Room 125, Reno, Nevada 89502.

Individuals wishing copies of this ROD should contact the U.S. Fish and Wildlife Service (Service) offices listed above. Copies of the ROD have been sent to all agencies and individuals who previously received copies of the Draft and Final Environmental Impact Statements (EIS) and to all others who have already requested copies.

DECISION: The Service's decision is to issue an incidental take permit, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), for incidental take of desert tortoises to the County of Clark, the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City, and Nevada Department of Transportation resulting in implementation of the Preferred Alternative, the Clark County Desert Conservation Plan (CCDCP), as it is described in the Final EIS for Issuance of a Permit to Allow Incidental Take of Desert Tortoises by Clark County, Nevada. This decision is based on a thorough review of the alternatives and their environmental consequences.

RATIONALE FOR DECISION: Implementation of the CCDCP has been selected as the Preferred Alternative based on consideration of a number of environmental and social factors. These factors include: (1) Proposed mitigation in the CCDCP will benefit desert tortoise

recovery by implementing actions recommended in the Desert Tortoise (Mojave Population) Recovery Plan (Recovery Plan); (2) the majority of incidental take will occur within the Las Vegas Valley, where a viable population of desert tortoises cannot be maintained over the long term; and (3) the proposed permit would allow incidental take of desert tortoise in areas not proposed for recovery and would provide the opportunity for more orderly development within the Las Vegas Valley by removing the constraint of having to avoid the patchy distribution of desert tortoise habitat.

Clark County, the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City, and the Nevada Department of Transportation (NDOT) (Applicants) propose to collect funds through imposition of a \$550-per-acre fee for disturbance of non-Federal lands throughout Clark County and areas disturbed as a result of NDOT activities in desert tortoise habitat. Subsequently, the Applicants propose to expend \$1.35 million per year, and up to \$1.65 million per year for the first 10 years, to minimize and mitigate the potential loss of desert tortoise habitat. It is anticipated that the majority of these funds will be used to implement mitigation measures as described in the CCDCP. In addition, funds will be provided to State and Federal resource managers for implementing desert tortoise recovery measures recommended in the Recovery Plan, and for planning and managing lands both within and outside of desert wildlife management areas. The desert tortoise is only part of the desert ecosystem, and unless the various species of plants and animals which co-inhabit that system are likewise preserved, the status of the desert tortoise is likely to decline. Therefore, the needs of other plant and wildlife resources will be addressed, possibly avoiding the need to list these species as threatened or endangered under the Act in the future. The Applicants also propose to purchase a conservation easement of more than 85,000 acres of non-Federal land in Clark County that preserves, protects, and assures the management and study of the conservation values, and in particular the habitat of the desert tortoise.

To minimize the impacts of take, the Applicants propose to provide a free pick-up and collection service for desert tortoises encountered in harm's way within Clark County. These desert tortoises will be made available for beneficial uses such as translocation studies and programs, research, education, zoos, museums, or other

programs approved by the Service and Nevada Division of Wildlife. Sick or seriously injured desert tortoises will be humanely euthanized. NDOT will incorporate specific measures into its operations to avoid or minimize impacts to desert tortoises. Clark County will also implement a public information and education program intended to benefit the desert tortoise and the desert ecosystem.

The underlying purpose or goal of the proposed action is to support a program designed to ensure the continued existence of the species, while resolving potential conflicts that may arise from otherwise lawful private and public improvement projects.

SUPPLEMENTARY INFORMATION:

A. Background

On April 2, 1990, the Service issued a final rule (55 FR 12178) that determined the desert tortoise to be a threatened species under the Act. This regulation became effective on the date of its publication in the **Federal Register**. Because of its listing as a threatened species, the desert tortoise is protected by the Act's prohibition against "taking." The Act defines "take" to mean: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. "Harm" is further defined by regulation as any act that kills or injures wildlife, including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

The Service, however, may issue permits to carry out otherwise lawful activities involving take of endangered and threatened wildlife under certain circumstances. Regulations governing permits are in 50 CFR 17.22, 17.23, and 17.32. For threatened species, such permits are available for scientific purposes, enhancing the propagation or survival of the species, economic hardship, zoological exhibition or educational purposes, incidental taking, or special purposes consistent with the purposes of the Act.

On July 24, 1991, the Service issued a permit under authority of section 10(a)(1)(B) of the Act (PRT-756260) to Clark County and the cities of Las Vegas, North Las Vegas, Henderson, and Boulder City, for the incidental take of 3,710 desert tortoises on up to 22,352 acres of habitat within the Las Vegas Valley and Boulder City in Clark County, Nevada. The permit application was accompanied by the Short-Term Habitat Conservation Plan for the Desert

Tortoise in the Las Vegas Valley, Clark County, Nevada, and an implementation agreement that identified specific measures to minimize and mitigate the effects of the action on desert tortoises. The primary purpose of this permit was to allow time to complete a long-term plan.

On August 1, 1994, the Service amended the incidental take permit and extended the expiration date by one year (to July 31, 1995). The amendment authorized the disturbance of 8,000 additional acres of desert tortoise habitat within the existing permit area, but did not authorize an increase in the number of desert tortoises allowed to be taken under the existing permit. Additional measures to minimize and mitigate the effects of the amendment were also identified.

Upon completion of the CCDCP (long-term plan), the Applicants submitted an application to the Service for a permit to incidentally take desert tortoises, pursuant to section 10(a)(1)(B) of the Act, in association with various proposed public and private projects in Clark County, Nevada. The proposed permit would allow incidental take of desert tortoises for a period of 30 years, resulting from development on up to 113,900 acres of non-Federal lands within Clark County, Nevada. The permit application was received September 28, 1994, and was accompanied by the CCDCP, which serves as the Applicant's habitat conservation plan and details their proposed measures to minimize, monitor, and mitigate the impacts of the proposed take on the desert tortoise.

B. Key Issues

Through public scoping and with input from various agencies and individuals, key issues were identified. Potential consequences, in terms of adverse impacts and benefits associated with the implementation of each alternative selected for detailed analysis, were described and thoroughly examined in the Draft and Final EIS. The Service received 13 letters of comment on the Draft EIS which focused on the following subject areas.

- Survey and removal of desert tortoises
- Translocation of tortoises to a sanctuary
- Euthanasia of tortoises
- Measurable criteria for short-term and long-term conservation goals
- Tortoise adoption
- Effects to other species and resources
- Financing to implement the CCDCP

Appendix A of the Final EIS contains copies of all comments received and responses to all comments received. The

Final EIS was revised, where appropriate, based on public comment and review. Issues and potential consequences have remained identical from the draft to the final EIS.

C. Alternatives

Of the eight alternatives considered, two alternatives were evaluated in detail. Issuance of the permit with the mitigating, minimizing, and monitoring measures outlined in the CCDCP is the Service's preferred alternative and is discussed above. The Final EIS outlined alternative measures that were considered, but not in detail, by the Service. The other alternative selected for detailed evaluation was a No Action alternative. The No Action alternative would benefit individual desert tortoises on non-Federal lands in the short-term, however, it has been determined that viable populations of desert tortoises will not persist in the urban areas over the long-term. The No Action alternative would, therefore, not provide the benefits of the long-term recovery efforts for the desert tortoise identified in the CCDCP. The No Action alternative was not identified as the preferred alternative because it would diffuse existing regional conservation planning efforts for the desert tortoise and possibly concentrate activity on individual project needs, not meet the purpose and needs of the Applicants, and not provide the long-term benefits to the desert tortoise. Additionally, the No Action alternative could result in adverse impacts to the social environment within Clark County due to constraints on land-use activities that would impact the desert tortoise.

Dated: July 11, 1995.

Thomas Dwyer,

Deputy Regional Director.

[FR Doc. 95-18027 Filed 7-20-95; 8:45 am]

BILLING CODE 4310-55-P

Notice of Availability; Draft Environmental Impact Statement (EIS) on the Proposed Acquisition of Water Rights for Lahontan Valley Wetlands, Churchill County, Nevada

AGENCIES: U.S. Fish and Wildlife Service (lead agency); Nevada Division of Wildlife, U.S. Bureau of Reclamation, U.S. Bureau of Indian Affairs, U.S. Bureau of Land Management, U.S. Natural Resources Conservation Service, Naval Air Station—Fallon, Fallon Paiute-Shoshone Tribes, and Churchill County (cooperating agencies).

ACTION: Notice of availability and public meetings.

SUMMARY: This notice advises the public that the draft Environmental Impact Statement (EIS) for water rights acquisition for the Lahontan Valley Wetlands, Churchill County, Nevada, is available for public review. Five alternatives are being considered, including the Proposed Action. Comments and suggestions are requested. This notice is being furnished pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969.

DATES: Written comments are requested by September 20, 1995. An open-house workshop will be held on August 9, 1995, between 3 pm and 8 pm, at the Fallon Community Center. Fish and Wildlife Service representatives will be available to answer questions and explain the draft EIS at the workshop. Public hearings will be held on September 6, 1995 at 3 pm and at 7 pm to receive written and oral comments concerning the draft EIS.

ADDRESSES: Written comments should be addressed to: Project Leader, Stillwater National Wildlife Refuge, P.O. Box 1236, Fallon, NV 89407.

Copies of the draft EIS may be inspected at the following locations: Stillwater National Wildlife Refuge, 1000 Auction Road, Fallon, NV 89406; U.S. Fish and Wildlife Service, Refuge and Wildlife, 911 N.E. 11th Avenue, Portland, OR 97232; Churchill County Public Library, 553 South Maine St., Fallon, NV 89406; Nevada State Library and Archives, Reference Desk, 100 Stewart Street, Carson City, NV 89701; Reno Branch, Washoe County Public Library, 301 S. Center Street, Reno, NV 89501.

FOR FURTHER INFORMATION CONTACT: Ron Anglin, Project Leader, or Gary Shellhorn, Stillwater National Wildlife Refuge, P.O. Box 1236, Fallon, NV 89407, (702) 423-5128.

Individuals desiring a copy of the draft EIS for review should immediately contact the above address. Copies have been sent to agencies and individuals who participated in the scoping process and to those people that later requested to be added to the mailing list.

SUPPLEMENTARY INFORMATION: The Truckee-Carson-Pyramid Lake Water Rights Settlement Act, (Title II of Public Law 101-618), directs the Secretary of the Interior to acquire enough water and water rights to sustain, on a long-term average, approximately 25,000 acres of primary wetland habitat in the Lahontan Valley. As defined in Public Law 101-618, primary wetland habitat is wetland habitat is wetland lying within Stillwater National Wildlife Refuge,

Stillwater Wildlife Management Area, Carson Lake and Pasture, and Fallon Paiute-Shoshone Indian Reservation wetlands. The Service developed and analyzed four alternatives, including the Proposed Action, for securing up to 125,000 acre-feet (AF) of water for Lahontan Valley wetlands. A No Action Alternative was also developed and analyzed. The purpose of the Draft EIS is to analyze the potential consequences of the five alternatives being considered.

The five alternatives are: (1) No Action, which entails the acquisition of 20,000 AF of water rights from within the Carson Division of the Newlands Irrigation Project (Newlands Project); (2) Proposed Action, which proposes the acquisition of an additional 102,000 AF of water rights for a total of up to 122,000 AF of water rights; (3) Least Cost Alternative, which would result in the acquisition of up to 100,000 AF of water rights (including the initial 20,000 AF of acquisition); (4) Maximum Acquisition Alternative, which would result in up to 133,500 AF being acquired (which includes the initial 20,000 AF of acquisition); and (5) Minimum Acquisition Alternative, which would cap or limit Carson Division Newlands Project purchase acquisitions at 75,000 AF of water rights and would utilize a variety of other sources of water to meet the Fish and Wildlife Service's primary wetland habitat objective.

Under the Proposed Action, the Service proposes to acquire sufficient water and water rights to provide a total annual average of 125,000 AF of inflow to primary wetland areas to achieve the objective of sustaining 25,000 acres of primary wetland habitat in the Lahontan Valley. The amount acquired by the Service would supplement available drainwater, spills, water being acquired by the Service under earlier authorizations, and would incorporate water being acquired by the State of Nevada for Lahontan Valley wetland areas.

To meet the needed 125,000 AF of annual average wetland inflow, the Service would, under the Proposed Action, acquire up to 122,000 AF of water rights, which amounts to about 66 percent of the water rights that are in currently in private ownership in the Carson Division of the Newlands Project. In addition, approximately 13,000 AF of drainwater and 11,000 AF of spills would supplement inflows to the primary wetland habitats.

Purchase of water rights would be from willing sellers only. In addition, leasing, donations, and exchange of water rights would be utilized as opportunities arise.